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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Information provided by the European Network of National Human Rights Institutions*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the European Network of National Human Rights Institutions** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

[English only]

Written submission by the European Network of National Human Rights Institutions

Annual Report from the Independent Expert on the Enjoyment of All Human Rights by Older Persons

Introduction

This statement is submitted by the European Network of National Human Rights Institutions (ENNHRI) on behalf of its 23 A-status accredited member National Human Rights Institutions:

The People's Advocate of Albania; the Human Rights Defender Institution of the Republic of Armenia; the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan; the Institution of Human Rights Ombudsmen of Bosnia and Herzegovina; the Ombudsman of the Republic of Croatia; the Danish Institute for Human Rights; the National Human Rights Institution in Finland: Human Rights Centre and the Parliamentary Ombudsman; the Commission Nationale Consultative des Droits de l'Homme of France; the Office of Public Defender (Ombudsman) of Georgia; the German Institute for Human Rights; the Equality and Human Rights Commission of Great Britain; the Greek National Commission for Human Rights; the Office of the Commissioner for Fundamental Rights of Hungary; the Ombudsman's Office of the Republic of Latvia; the Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg; the Netherlands Institute for Human Rights; the Northern Ireland Human Rights Commission; the Human Rights Defender of Poland; the Provedor de Justicia of Portugal; the Scottish Human Rights Commission; The Protector of Citizens of the Republic of Serbia; El Defensor del Pueblo of Spain; and the Office of the Ukrainian Parliament Commissioner for Human Rights.

ENNHRI welcomes and supports the work of the Independent Expert on the Enjoyment of All Human Rights by Older Persons, Ms. Rosa Kornfeld-Matte. It urges the HRC to make every effort to ensure that the human rights of older persons globally are promoted and protected by all duty bearers.

About ENNHRI

The European Network of National Human Rights Institutions ("ENNHRI") comprises National Human Rights Institutions ("NHRIs") from across wider Europe. NHRIs are state funded institutions, independent of government, with a broad legislative or constitutional mandate to promote and protect human rights. They are accredited by reference to the UN Paris Principles to ensure their independence, plurality, impartiality and effectiveness. ENNHRI is one of four regional networks that make up the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), supported by the OHCHR. It works to enhance the promotion and protection of human rights in wider Europe through the establishment, accreditation and support of NHRIs. It supports its members through information exchange; capacity building; engagement with international and regional human rights mechanisms; and interventions in policy development and strategic litigation in Europe.

Independent Expert's Report on Care and Autonomy

ENNHRI once again welcomes the appointment of Rosa Kornfeld-Matte as the first Independent Expert on the Enjoyment of All Human Rights of Older Persons. We are keen to continue our fruitful co-operation with Ms. Kornfeld-Matte and encourage her to tap into the wealth of knowledge of NHRIs in Europe and globally to inform her work.

ENNHRI is currently engaged in a 2.5 year project closely related to the theme of care and autonomy of older persons. Funded by the European Commission, the *Human Rights of Older Persons and Long-term Care in Europe Project* (2015-2017), seeks to increase awareness of the human rights of older persons and to embed a human rights based approach in the care of older persons in Europe, in particular in the current context of socio-economic crisis – a growing concern of international treaty bodies and special procedures. ENNHRI looks forward to sharing the findings of the project with the Independent Expert on the Enjoyment of All Human Rights of Older Persons, the Human Rights Council and the OEWG on Ageing in due course.

Today, we welcome the Independent Expert's annual report on the theme of care and autonomy. The report's findings mirror those from previous monitoring work carried out by European NHRIs, which found evidence of serious breaches of the human rights of older persons in receipt of long-term care throughout Europe. The worst cases included older persons not being fed or being left without access to food and water, or in soiled clothes and sheets. Other breaches, such as a resident being left with their glasses or hearing aid out of reach, appeared to have been caused by a lack of understanding of the human rights of older persons. This indicates the need for clearer mechanisms to protect the human rights of older persons. ENNHRI encourages the Independent Expert to continue engaging with the work of the Open-Ended Working Group on Ageing, so that the OEWG can tap into her expertise as it works to develop a future convention.

New Convention on the Rights of Older Persons

As previously noted by the ICC,[1] the OEWG was requested to present a proposal pursuant to General Assembly Resolution 67/139 containing: *"the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons..."*

ENNHRI wishes to reiterate its support for the development of a comprehensive international legal instrument to:

- promote and protect the rights of older persons:
- ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons;
- promote respect for their inherent dignity;
- facilitate the autonomy and independence of older persons;
- recognise that ageing is a natural and universal process that is experienced differently by different people;
- create a paradigm shift from perceptions of older persons as welfare recipients and a burden to society to older people as rights holders and active contributors to society.

[1] ICC Statement to the UN Open-ended Working Group on Ageing Fifth Working Session, (http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Stellungnahmen/ICC_Statement_to_the_UN_Open_ended_Working_Group_on_Ageing_Fifth_Working_Session_2014.pdf

Role of NHRIs in protecting and promoting older persons human rights

NHRIs provide a unique insight into the implementation of the existing international framework of the human rights of older persons and any gaps arising. They have crucial knowledge of human rights at the individual and national level, as they work with individual rights holders, through complaints handling or monitoring, and also address structural issues through investigatory and advisory functions. They have particular knowledge of the challenges arising out of the current socio-economic crisis. NHRIs are also an important link between national stakeholders and the UN system. They are recognised in the international human rights sphere, being granted speaking rights at the Human Rights Council and participating in the negotiations on the CRPD in New York and other OHCHR consultations.

The UN Secretary General has committed to strengthening NHRIs' engagement with UN processes. The UNSG will publish a report on the relationship between NHRIs and the UN in September 2015, which will be presented to the General Assembly (GA) at its 70th session for consideration in the context of its next resolution on NHRIs.[2] The GA will have an important opportunity to send out another clear indication that NHRIs are welcome to contribute in those areas of UN work that would benefit from their specific independent human rights expertise.

However, NHRIs have not been granted formal participation rights at the OEWG on Ageing in spite of repeated calls since its establishment in 2010. In recognition of NHRIs' valuable expertise and knowledge, ENNHRI strongly reiterates previous calls[3] made by ENNHRI and the ICC to grant participation rights to NHRIs at the OEWG's meetings.

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[2] Resolution adopted by the General Assembly on 18 December 2013, 68/171, National institutions for the promotion and protection of human rights: http://nhri.ohchr.org/EN/AboutUs/Governance/Resolutions/A_RES_68_171_EN.pdf

[3] ENNHRI Statement to UN Open Ended Working Group on Ageing Fourth Working Session, (http://social.un.org/ageing-working-group/documents/EuropeanGroupStatementOEWG.pdf), ICC Statement to UN Open Ended Working Group on Ageing Fourth Working Session (http://social.un.org/ageing-working-group/documents/EuropeanGroupStatementOEWG.pdf, see Annex), ICC Statement to the UN Open-ended Working Group on Ageing Fifth Working Session, op cit.